

A bill for an act

relating to natural resources; modifying wild rice season; modifying certain definitions; modifying state park permit requirements; modifying authority to establish secondary units; eliminating liquor service at John A. Latsch State Park; providing for establishment of boater waysides; modifying watercraft operation requirements; providing for appeals and enforcement of certain civil penalties; providing for taking wild animals to protect public safety; modifying Board of Water and Soil Resources membership; modifying local water program; modifying Reinvest in Minnesota Resources Law; modifying certain easement authority; providing for notice of changes to public waters inventory; modifying critical habitat plate eligibility; modifying cost-share program; modifying conditions for temporary drawdown of public waters; providing certain exemptions from local ordinances; approving the consumptive use of water for certain uses; authorizing expedited rulemaking; requiring rulemaking; providing for seizure and forfeiture of certain off-highway vehicles; modifying operating restrictions for all-terrain vehicles; providing criminal penalties; amending Minnesota Statutes 2008, sections 84.027, subdivision 13; 84.105; 84.66, subdivision 2; 84.928, subdivision 1a; 85.053, subdivision 3; 85.054, by adding subdivisions; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.137, by adding a subdivision; 97A.321; 103B.101, subdivisions 1, 2; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97B; 103G; repealing Minnesota Statutes 2008, sections 84.02; 84.796; 84.805; 84.929; 85.0505, subdivision 2; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530; 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; 8400.3930.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The emergency conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2008, section 84.105, is amended to read:

84.105 WILD RICE SEASON.

Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

Sec. 3. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

(1) "forest land" has the meaning given under section 89.001, subdivision 4;

(2) "forest resources" has the meaning given under section 89.001, subdivision 8;

(3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

(4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and

(5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Sec. 4. **[84.774] OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

(a) Except as provided in paragraph (b), a person who violates a provision of sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor if the person violates section 84.773, subdivision 2, clause (2), and the person recklessly upsets the natural and ecological balance of a wetland or public waters wetland.

(c) A person is prohibited from operating an off-highway vehicle for a period of one year if the person is:

(1) convicted of a gross misdemeanor under paragraph (b);

(2) convicted of or subject to a final order under section 84.775 for a violation on the prohibition on the intentional operation on unfrozen public water, in a state park, in a scientific and natural area, or in a wildlife management area under section 84.773, subdivision 1, clause (3);

(3) convicted of or is subject to a final order under section 84.775 for a violation on the prohibition on the willful, wanton, or reckless disregard for the safety of persons or property under section 84.773, subdivision 2, clause (1); or

(4) convicted of or subject to a final order under section 84.775 for a violation on the prohibition on carelessly upsetting the natural and ecological balance of a wetland or public waters wetland under section 84.773, subdivision 2, clause (2).

The commissioner shall notify the person of the time period during which the person is prohibited from operating an off-highway vehicle.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 5. **[84.7741] OFF-HIGHWAY VEHICLE FORFEITURE.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(c) "Claimant" means an owner of an off-highway vehicle or a person claiming a leasehold or security interest in an off-highway vehicle.

(d) "Designated offense" means a second gross misdemeanor violation under section 84.774, paragraph (b).

(e) "Family or household member" means:

(1) a parent, stepparent, or guardian;

(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, or great-aunt; or

(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

(f) "Off-highway vehicle" and "vehicle" do not include an off-highway vehicle that is stolen or taken in violation of the law.

(g) "Owner" means a person legally entitled to possession, use, and control of an off-highway vehicle, including a lessee of an off-highway vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable presumption that a person registered

as the owner of an off-highway vehicle according to the records of the Department of Public Safety or the Department of Natural Resources is the legal owner. For purposes of this section, if an off-highway vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred, or a designee, who is responsible for prosecuting violations of a designated offense. If a state agency initiated the forfeiture and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the attorney general's office, or its designee, may initiate forfeiture under this section.

(i) "Security interest" means a bona fide security interest perfected according to section 168A.17, subdivision 2, based on a loan or other financing that, if an off-highway vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

Subd. 2. **Seizure.** (a) An off-highway vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle.

(b) Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle.

If property is seized without process under this clause, the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible by serving a notice of seizure and intent to forfeit at the address of the owner as listed in the records of the Department of Public Safety or Department of Natural Resources.

Subd. 3. **Right to possession vests immediately; custody.** All right, title, and interest in an off-highway vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When an off-highway vehicle is seized under this section, the appropriate agency may:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by the agency;

(3) place a disabling device on the vehicle; and

(4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

6.1 Subd. 4. **Bond by owner for possession.** If the owner of an off-highway vehicle
6.2 that has been seized under this section seeks possession of the vehicle before the forfeiture
6.3 action is determined, the owner may, subject to the approval of the appropriate agency,
6.4 give security or post bond payable to the appropriate agency in an amount equal to the
6.5 retail value of the seized vehicle. On posting the security or bond, the seized vehicle may
6.6 be returned to the owner. The forfeiture action must proceed against the security as if it
6.7 were the seized vehicle.

6.8 Subd. 5. **Evidence.** Certified copies of court records and off-highway vehicle and
6.9 driver's records concerning prior incidents are admissible as substantive evidence where
6.10 necessary to prove the commission of a designated offense.

6.11 Subd. 6. **Vehicle subject to forfeiture.** An off-highway vehicle is subject to
6.12 forfeiture under this section if it was used in the commission of a designated offense.

6.13 Subd. 7. **Presumptions; limitations on vehicle forfeiture.** (a) An off-highway
6.14 vehicle is presumed subject to forfeiture under this section if the driver:

6.15 (1) is convicted of the designated offense upon which the forfeiture is based; or

6.16 (2) fails to appear for a scheduled court appearance with respect to the designated
6.17 offense charged and fails to voluntarily surrender within 48 hours after the time required
6.18 for appearance.

6.19 (b) An off-highway vehicle encumbered by a security interest perfected according
6.20 to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or
6.21 more, is subject to the interest of the secured party or lessor unless the party or lessor had
6.22 knowledge of or consented to the act upon which the forfeiture is based. However, when
6.23 the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan
6.24 balance, the appropriate agency shall remit all proceeds of the sale to the secured party
6.25 after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the
6.26 vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner
6.27 consistent with section 336.9-610, the agency is not liable to the secured party for any
6.28 amount owed on the loan in excess of the sale proceeds. The validity and amount of a
6.29 nonperfected security interest must be established by its holder by clear and convincing
6.30 evidence.

6.31 (c) Notwithstanding paragraph (b), the secured party's or lessor's interest in an
6.32 off-highway vehicle is not subject to forfeiture based solely on the secured party's or
6.33 lessor's knowledge of the act or omission upon which the forfeiture is based if the secured
6.34 party or lessor demonstrates by clear and convincing evidence that the party or lessor took
6.35 reasonable steps to terminate use of the vehicle by the offender.

(d) An off-highway vehicle is not subject to forfeiture under this section if its owner can demonstrate by clear and convincing evidence that the owner did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the owner took reasonable steps to prevent use of the vehicle by the offender. If the offender is a family or household member of the owner and has three or more prior off-highway vehicle convictions, the owner is presumed to know of any vehicle use by the offender that is contrary to law.

Subd. 8. Administrative forfeiture procedure. (a) An off-highway vehicle used to commit a designated offense is subject to administrative forfeiture under this subdivision.

(b) When an off-highway vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when an off-highway vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For off-highway vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of the seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially, the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 84.7741, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY

8.1 FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY
8.2 THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS
8.3 THAN \$500."

8.4 (d) Within 30 days following service of a notice of seizure and forfeiture under this
8.5 subdivision, a claimant may file a demand for a judicial determination of the forfeiture.
8.6 The demand must be in the form of a civil complaint and must be filed with the court
8.7 administrator in the county in which the seizure occurred, together with proof of service of
8.8 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture
8.9 and the standard filing fee for civil actions unless the petitioner has the right to sue in
8.10 forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less,
8.11 the claimant may file an action in conciliation court for recovery of the seized vehicle. A
8.12 copy of the conciliation court statement of claim must be served personally or by mail on
8.13 the prosecuting authority having jurisdiction over the forfeiture within 30 days following
8.14 service of the notice of seizure and forfeiture under this subdivision. If the value of the
8.15 seized property is less than \$500, the claimant does not have to pay the conciliation court
8.16 filing fee. No responsive pleading is required of the prosecuting authority and no court
8.17 fees may be charged for the prosecuting authority's appearance in the matter. Pleadings,
8.18 filings, and methods of service are governed by the Rules of Civil Procedure.

8.19 (e) The complaint must be captioned in the name of the claimant as plaintiff and
8.20 the seized vehicle as defendant and must state with specificity the grounds on which the
8.21 claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle
8.22 seized, and any affirmative defenses the claimant may have. Notwithstanding any law to
8.23 the contrary, an action for the return of an off-highway vehicle seized under this section
8.24 may not be maintained by or on behalf of any person who has been served with a notice of
8.25 seizure and forfeiture unless the person has complied with this subdivision.

8.26 (f) If the claimant makes a timely demand for a judicial determination under this
8.27 subdivision, the forfeiture proceedings must be conducted according to subdivision 9.

8.28 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial
8.29 determinations of the forfeiture of an off-highway vehicle used to commit a designated
8.30 offense. An action for forfeiture is a civil in rem action and is independent of any criminal
8.31 prosecution. All proceedings are governed by the Rules of Civil Procedure.

8.32 (b) If no demand for judicial determination of the forfeiture is pending, the
8.33 prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a
8.34 separate complaint against the vehicle, describing it, specifying that it was used in the
8.35 commission of a designated offense, and specifying the time and place of its unlawful use.

9.1 (c) The prosecuting authority may file an answer to a properly served demand
9.2 for judicial determination, including an affirmative counterclaim for forfeiture. The
9.3 prosecuting authority is not required to file an answer.

9.4 (d) A judicial determination under this subdivision must not precede adjudication in
9.5 the criminal prosecution of the designated offense without the consent of the prosecuting
9.6 authority. The district court administrator shall schedule the hearing as soon as practicable
9.7 after adjudication in the criminal prosecution. The district court administrator shall
9.8 establish procedures to ensure efficient compliance with this subdivision. The hearing is
9.9 to the court without a jury.

9.10 (e) There is a presumption that an off-highway vehicle seized under this section is
9.11 subject to forfeiture if the prosecuting authority establishes that the vehicle was used in
9.12 the commission of a designated offense. A claimant bears the burden of proving any
9.13 affirmative defense raised.

9.14 (f) If the forfeiture is based on the commission of a designated offense and the person
9.15 charged with the designated offense appears in court as required and is not convicted of
9.16 the offense, the court shall order the property returned to the person legally entitled to it
9.17 upon that person's compliance with the redemption requirements of subdivision 12.

9.18 (g) If the lawful ownership of the vehicle used in the commission of a designated
9.19 offense can be determined and the owner makes the demonstration required under
9.20 subdivision 7, paragraph (d), the vehicle must be returned immediately upon the owner's
9.21 compliance with the redemption requirements of subdivision 12.

9.22 (h) If the court orders the return of a seized vehicle under this subdivision, it must
9.23 order that filing fees be reimbursed to the person who filed the demand for judicial
9.24 determination. In addition, the court may order sanctions under section 549.211. Any
9.25 reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law
9.26 enforcement agency and prosecuting authority involved and in the same proportion as
9.27 distributed under subdivision 10, paragraph (b).

9.28 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively
9.29 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is
9.30 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

9.31 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

9.32 (2) keep the vehicle for official use. If the agency keeps a forfeited off-highway
9.33 vehicle for official use, the agency shall make reasonable efforts to ensure that the
9.34 off-highway vehicle is available for use by the agency's officers who participate in
9.35 off-highway vehicle enforcement or education programs.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in purchasing equipment for off-highway vehicle enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

Subd. 11. Sale of forfeited vehicle by secured party. (a) A financial institution with a valid security interest in or a valid lease covering a forfeited off-highway vehicle may choose to dispose of the vehicle under this subdivision, in lieu of the appropriate agency disposing of the vehicle under subdivision 10. A financial institution wishing to dispose of an off-highway vehicle under this subdivision shall notify the appropriate agency of its intent, in writing, within 30 days after receiving notice of the seizure and forfeiture. The appropriate agency shall release the vehicle to the financial institution or its agent after the financial institution presents proof of its valid security agreement or of its lease agreement and the financial institution agrees not to sell the vehicle to a family or household member of the violator, unless the violator is not convicted of the offense on which the forfeiture is based. The financial institution shall dispose of the vehicle in a commercially reasonable manner as defined in section 336.9-610.

(b) After disposing of the forfeited vehicle, the financial institution shall reimburse the appropriate agency for its seizure, storage, and forfeiture costs. The financial institution may then apply the proceeds of the sale to its storage costs, to its sale expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the financial institution shall forward the proceeds to the state treasury, which shall credit the appropriate fund as specified in subdivision 10.

Subd. 12. Redemption requirements. (a) If an off-highway vehicle is seized by a peace officer for a designated offense, the seized vehicle must be released only:

(1) to the registered owner, a person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner who provides proof of ownership of the vehicle;

(2) if the vehicle is subject to a rental or lease agreement, to a renter or lessee who provides a copy of the rental or lease agreement; or

(3) to an agent of a towing company authorized by a registered owner if the owner provides proof of ownership of the vehicle.

11.1 (b) The proof of ownership or, if applicable, the copy of the rental or lease agreement
11.2 required under paragraph (a) must be provided to the law enforcement agency seizing the
11.3 vehicle or to a person or entity designated by the law enforcement agency to receive
11.4 the information.

11.5 (c) No law enforcement agency, local unit of government, or state agency is
11.6 responsible or financially liable for any storage fees incurred due to a seizure under this
11.7 section.

11.8 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
11.9 committed on or after that date.

11.10 Sec. 6. Minnesota Statutes 2008, section 84.928, subdivision 1a, is amended to read:

11.11 Subd. 1a. **Crossing a public road right-of-way.** (a) An all-terrain vehicle may
11.12 make a direct crossing of a public road right-of-way provided:

11.13 (1) the crossing is made at an angle of approximately 90 degrees to the direction of
11.14 the road and at a place where no obstruction prevents a quick and safe crossing;

11.15 (2) the vehicle is brought to a complete stop before crossing the shoulder or
11.16 main-traveled way of the road;

11.17 (3) the driver yields the right-of-way to all oncoming traffic that constitutes an
11.18 immediate hazard;

11.19 (4) in crossing a divided road, the crossing is made only at an intersection of the
11.20 road with another public road; and

11.21 (5) if the crossing is made between the hours of one-half hour after sunset to
11.22 one-half hour before sunrise or in conditions of reduced visibility, only if both front and
11.23 rear lights are on.

11.24 (b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is
11.25 part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside
11.26 bank of a public road right-of-way when required for the purpose of avoiding obstructions
11.27 to travel or environmentally sensitive areas when no other method of avoidance is
11.28 possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the
11.29 entrance to the roadway is made within 100 feet of the bridge ~~or~~ obstacle, or sensitive
11.30 area, and the crossing is made without undue delay.

11.31 (c) A person shall not operate an all-terrain vehicle upon a public street or highway
11.32 unless the vehicle is equipped with at least one headlight and one taillight, each of
11.33 minimum candlepower as prescribed by rules of the commissioner, and with brakes
11.34 conforming to standards prescribed by rule of the commissioner, and all of which are
11.35 subject to the approval of the commissioner of public safety.

12.1 (d) An all-terrain vehicle may be operated upon a public road right-of-way other
12.2 than as provided by paragraph (b) in an emergency during the period of time when and at
12.3 locations where the condition of the roadway renders travel by automobile impractical.

12.4 (e) Chapters 169 and 169A apply to the operation of all-terrain vehicles upon streets
12.5 and highways, except for those provisions relating to required equipment and except those
12.6 provisions which by their nature have no application.

12.7 (f) A sled, trailer, or other device being towed by an all-terrain vehicle must be
12.8 equipped with reflective materials as required by rule of the commissioner.

12.9 (g) A driver's license is not required to operate an all-terrain vehicle along or on a
12.10 public road right-of-way if the right-of-way encompasses a trail administered by the
12.11 commissioner and designated for all-terrain vehicle use or multiple use.

12.12 (h) A road authority as defined in section 160.02, subdivision 25, may by permit
12.13 designate corridor access trails on public road rights-of-way for purposes of accessing
12.14 established all-terrain vehicle trails. A driver's license is not required to operate an
12.15 all-terrain vehicle on a designated corridor access trail.

12.16 Sec. 7. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

12.17 Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall
12.18 prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who
12.19 own more than one motor vehicle and who request ~~a second~~ the permit for ~~the second~~
12.20 ~~vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner~~
12.21 ~~may issue an applicant only one second-vehicle permit.~~

12.22 Sec. 8. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
12.23 to read:

12.24 Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee
12.25 may not be charged for motor vehicle entry or parking at the parking lot located adjacent
12.26 to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

12.27 Sec. 9. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
12.28 to read:

12.29 Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not
12.30 required and a fee may not be charged for motor vehicle entry or parking at Greenleaf
12.31 Lake State Recreation Area.

13.1 Sec. 10. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
13.2 to read:

13.3 Subd. 17. **School-sanctioned activities.** A state park permit is not required and a
13.4 fee may not be charged for vehicles transporting K-12 students engaged in school district
13.5 sanctioned activities at state parks.

13.6 Sec. 11. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision
13.7 to read:

13.8 Subd. 15. **State boater wayside.** (a) Boater waysides may be established to provide
13.9 for public use.

13.10 (b) No unit shall be authorized as a state boater wayside unless its proposed location
13.11 substantially satisfies the following criteria:

13.12 (1) contains resources that are desirable for use by boaters;

13.13 (2) is accessible by persons traveling by boat, canoe, or kayak; and

13.14 (3) may be near, associated with, or located within a unit of the outdoor recreation
13.15 system under this section.

13.16 (c) State boater waysides shall be administered by the commissioner of natural
13.17 resources in a manner that is consistent with the purpose of this subdivision. Facilities
13.18 for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be
13.19 provided when the commissioner determines that these activities are justifiable and
13.20 compatible with the resources and the natural environment.

13.21 Sec. 12. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

13.22 Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor
13.23 recreation system may be authorized wholly or partially within the boundaries of another
13.24 unit only when the authorization is consistent with the purposes and objectives of the
13.25 respective units ~~and only in the instances permitted below:~~

13.26 ~~(a) The following units may be authorized wholly or partially within a state park:~~
13.27 ~~historic site, scientific and natural area, wilderness area, wild, scenic, and recreational~~
13.28 ~~river, trail, rest area, aquatic management area, and water access site.~~

13.29 ~~(b) The following units may be authorized wholly or partially within a state~~
13.30 ~~recreation area: historic site, scientific and natural area, wild, scenic, and recreational river,~~
13.31 ~~trail, rest area, aquatic management area, wildlife management area, and water access site.~~

13.32 ~~(c) The following units may be authorized wholly or partially within a state forest:~~
13.33 ~~state park, state recreation area, historic site, wildlife management area, scientific and~~

14.1 ~~natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic~~
14.2 ~~management area, and water access site.~~

14.3 ~~(d) The following units may be authorized wholly or partially within a state historic~~
14.4 ~~site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and~~
14.5 ~~water access site.~~

14.6 ~~(e) The following units may be authorized wholly or partially within a state wildlife~~
14.7 ~~management area: state water access site and aquatic management area.~~

14.8 ~~(f) The following units may be authorized wholly or partially within a state wild,~~
14.9 ~~scenic, or recreational river: state park, historic site, scientific and natural area, wilderness~~
14.10 ~~area, trail, rest area, aquatic management area, and water access site.~~

14.11 ~~(g) The following units may be authorized wholly or partially within a state rest~~
14.12 ~~area: historic site, trail, wild, scenic, and recreational river, aquatic management area,~~
14.13 ~~and water access site.~~

14.14 ~~(h) The following units may be authorized wholly or partially within an aquatic~~
14.15 ~~management area: historic site, scientific and natural area, wild, scenic, and recreational~~
14.16 ~~river, and water access site.~~

14.17 Sec. 13. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

14.18 Subdivision 1. **Master plan required.** No construction of new facilities or other
14.19 development of an authorized unit, other than repairs and maintenance, shall commence
14.20 until the managing agency has prepared and submitted to the commissioner of natural
14.21 resources and the commissioner has reviewed, pursuant to this section, a master plan for
14.22 administration of the unit in conformity with this section. No master plan is required for
14.23 wildlife management areas that do not have resident managers, for water access sites, for
14.24 aquatic management areas, ~~or~~ for rest areas, or for boater waysides.

14.25 Sec. 14. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision
14.26 to read:

14.27 Subd. 6. Law enforcement watercraft displaying emergency lights. When
14.28 approaching and passing a law enforcement watercraft with its emergency lights
14.29 activated, the operator of a watercraft must safely move the watercraft away from the law
14.30 enforcement watercraft and maintain a slow-no wake speed while within 150 feet of
14.31 the law enforcement watercraft.

14.32 Sec. 15. Minnesota Statutes 2008, section 97A.137, is amended by adding a
14.33 subdivision to read:

Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local ordinances that limit the use and management of the unit as authorized by state law.

(b) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres are exempt from local ordinances that:

(1) restrict trapping;

(2) restrict the discharge of archery equipment;

(3) restrict the discharge of shotguns with shot sizes of number four buckshot or smaller diameter shot;

(4) restrict noise;

(5) require dogs on a leash; or

(6) would in any manner restrict the management of the unit as authorized by state law.

Sec. 16. Minnesota Statutes 2008, section 97A.321, is amended to read:

97A.321 DOGS PURSUING OR KILLING BIG GAME.

Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills a big game animal is subject to a civil penalty of \$500 for each violation.

Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the civil penalty becomes a final order not subject to further review.

Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according to section 116.072, subdivisions 9 and 10.

Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the commissioner within 30 days of issuance of the penalty notice and shall be deposited in the game and fish fund.

Sec. 17. [97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.

A licensed peace officer may, at any time, take a protected wild animal that is posing an immediate threat to public safety. A peace officer who destroys a protected wild animal

16.1 under this section must report the taking to a conservation officer as soon as practicable,
16.2 but no later than 48 hours after the animal is destroyed.

16.3 Sec. 18. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

16.4 Subdivision 1. **Membership.** The Board of Water and Soil Resources is composed
16.5 of ~~12~~ 15 appointed members knowledgeable of water and soil problems and conditions
16.6 within the state and five ex officio members.

16.7 Sec. 19. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

16.8 Subd. 2. **Voting members.** (a) The members are:

16.9 (1) three county commissioners;

16.10 (2) three soil and water conservation district supervisors;

16.11 (3) three watershed district or watershed management organization representatives;

16.12 (4) three citizens who are not employed by, or the appointed or elected officials of,
16.13 a governmental office, board, or agency;

16.14 (5) one township officer;

16.15 (6) two elected city officials, one of whom must be from a city located in the
16.16 metropolitan area, as defined under section 473.121, subdivision 2;

16.17 ~~(5)~~ (7) the commissioner of agriculture;

16.18 ~~(6)~~ (8) the commissioner of health;

16.19 ~~(7)~~ (9) the commissioner of natural resources;

16.20 ~~(8)~~ (10) the commissioner of the Pollution Control Agency; and

16.21 ~~(9)~~ (11) the director of the University of Minnesota Extension Service.

16.22 (b) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), must be distributed across
16.23 the state with at least ~~three~~ four members but not more than ~~five~~ six members from the
16.24 metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the
16.25 current soil and water conservation administrative regions.

16.26 (c) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), are appointed by the governor.

16.27 In making the appointments, the governor may consider persons recommended by
16.28 the Association of Minnesota Counties, the Minnesota Association of Townships, the
16.29 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation
16.30 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an
16.31 association must contain at least three nominees for each position to be filled.

16.32 (d) The membership terms, compensation, removal of members and filling of
16.33 vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (6), are as provided
16.34 in section 15.0575.

Sec. 20. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies~~ provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate, ~~which shall be~~ determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised by ~~that levy~~ the local match. If the amount necessary to implement the local water plan for the county is less than \$37,500, the amount of the base grant shall be the amount that, when added to the ~~levy~~ match amount, equals the amount required to implement the plan. For counties where the tax rate generates an amount equal to or greater than \$18,750, the base grant shall be in an amount equal to \$18,750.

Sec. 21. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

Subd. 2. **Request by district board.** ~~(a)~~ A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

~~(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the state board must approve the comprehensive plan with necessary amendments or reject the plan.~~

Sec. 22. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems or water quantity problems due to altered hydrology. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

18.1 (1) for technical and administrative assistance, not more than 20 percent of the
18.2 funds; and

18.3 (2) for conservation practices for lower priority erosion, sedimentation, or water
18.4 quality problems.

18.5 Sec. 23. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

18.6 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share
18.7 basis to furnish financial aid to a land occupier or to a state agency for permanent systems
18.8 for erosion or sedimentation control or water quality ~~improvement~~ improvement or water quantity
18.9 improvements that are consistent with the district's comprehensive and annual work plans.

18.10 (b) The duration of the contract must, at a minimum, be the time required to
18.11 complete the planned systems. A contract must specify that the land occupier is liable for
18.12 monetary damages and penalties in an amount up to 150 percent of the financial assistance
18.13 received from the district, for failure to complete the systems or practices in a timely
18.14 manner or maintain the systems or practices as specified in the contract.

18.15 (c) A contract may provide for cooperation or funding with federal agencies. A land
18.16 occupier or state agency may provide the cost-sharing portion of the contract through
18.17 services in kind.

18.18 (d) The state board or the district board may not furnish any financial aid for
18.19 practices designed only to increase land productivity.

18.20 (e) When a district board determines that long-term maintenance of a system or
18.21 practice is desirable, the board may require that maintenance be made a covenant upon
18.22 the land for the effective life of the practice. A covenant under this subdivision shall be
18.23 construed in the same manner as a conservation restriction under section 84.65.

18.24 Sec. 24. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

18.25 Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt
18.26 ~~rules~~ policies prescribing:

18.27 (1) procedures and criteria for allocating funds for cost-sharing contracts;

18.28 (2) standards and guidelines for cost-sharing contracts;

18.29 (3) the scope and content of district comprehensive plans, plan amendments, and
18.30 annual work plans;

18.31 (4) standards and methods necessary to plan and implement a priority cost-sharing
18.32 program, including guidelines to identify high priority erosion, sedimentation, and water
18.33 quality problems and water quantity problems due to altered hydrology;

19.1 (5) the share of the cost of conservation practices to be paid from cost-sharing
19.2 funds; and

19.3 (6) requirements for districts to document their efforts to identify and contact land
19.4 occupiers with high priority ~~erosion~~ problems.

19.5 (b) The rules may provide that cost-sharing may be used for ~~farmstead~~ windbreaks
19.6 and shelterbelts for the purposes of energy conservation and snow protection.

19.7 (c) The board may establish alternative practices to those defined in section 84.02
19.8 for restoration or establishment of native prairie, grasslands, shorelands, riparian buffers,
19.9 or wetlands based on soil type, seed availability, adjacent land uses, project or practice
19.10 purpose, or other site-specific factors.

19.11 Sec. 25. Minnesota Statutes 2008, section 103F.505, is amended to read:

19.12 **103F.505 PURPOSE AND POLICY.**

19.13 It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal
19.14 agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to
19.15 ~~protect~~ enhance soil and water quality, minimize damage to flood-prone areas, sequester
19.16 carbon, and support native plant, fish, and wildlife ~~habitat~~ habitats. It is state policy to
19.17 encourage the restoration of wetlands and riparian lands and promote the retirement of
19.18 marginal, highly erodible land, particularly land adjacent to public waters, drainage
19.19 systems, wetlands, and locally designated priority waters, ~~from crop production and to~~
19.20 ~~reestablish a cover of perennial vegetation.~~

19.21 Sec. 26. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

19.22 Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that
19.23 has been altered by draining, dredging, filling, leveling, or other manipulation sufficient
19.24 to render the land suitable for agricultural crop production. ~~The alteration must have~~
19.25 ~~occurred before December 23, 1985, and must be a legal alteration as determined by the~~
19.26 ~~commissioner of natural resources.~~

19.27 Sec. 27. Minnesota Statutes 2008, section 103F.511, is amended by adding a
19.28 subdivision to read:

19.29 Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota
19.30 reserve program" means the program established under section 103F.515.

19.31 Sec. 28. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

20.1 Subd. ~~8a~~ **8b. Riparian land.** "Riparian land" means lands adjacent to public
20.2 waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a~~
20.3 ~~comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

20.4 Sec. 29. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

20.5 Subdivision 1. **Establishment of program.** The board, in consultation with the
20.6 commissioner of agriculture and the commissioner of natural resources, shall establish
20.7 and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board
20.8 shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~
20.9 reinvest in Minnesota reserve program must be based on its enhancement potential for
20.10 fish ~~and~~ wildlife production, and native plant habitats, reducing erosion, and protecting
20.11 water quality.

20.12 Sec. 30. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

20.13 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
20.14 Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c).

20.15 (b) Land is eligible if the land:

20.16 (1) is marginal agricultural land;

20.17 (2) is adjacent to marginal agricultural land and is either beneficial to resource
20.18 protection or necessary for efficient recording of the land description;

20.19 (3) consists of a drained wetland;

20.20 (4) is land that with a windbreak or water quality improvement practice would be
20.21 beneficial to resource protection;

20.22 (5) is land in a sensitive groundwater area;

20.23 (6) is riparian land;

20.24 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
20.25 four acres of cropland or one acre of noncropland for each acre of wetland restored;

20.26 (8) is a woodlot on agricultural land;

20.27 (9) is abandoned building site on agricultural land, provided that funds are not used
20.28 for compensation of the value of the buildings; or

20.29 (10) is land ~~on a hillside~~ used for pasture.

20.30 (c) Eligible land under paragraph (a) must:

20.31 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
20.32 for at least one year before the date of application;

(2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the United States Agricultural Stabilization and Conservation Services;~~

(3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and

(4) have been in agricultural crop production for at least two of the last five years before the date of application, ~~except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, or land on a hillside used for pasture.~~

~~(d) In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985.~~

~~(e)~~ In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 103F.505.

Sec. 31. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;

(2) agricultural crop production and livestock grazing, unless specifically approved by the board for ~~wildlife~~ conservation management purposes; and

~~(3) grazing of livestock except, for agreements entered before the effective date of Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and~~

~~(4)~~ spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws ~~or, for~~ emergency control of pests necessary to protect public health, or as approved by the board for conservation management purposes.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Sec. 32. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the board; or to plant trees or carry out other long-term capital improvements approved by the board for soil and water conservation or wildlife management;

(3) to convey to the state a permanent easement for the wetland restoration;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation ~~or~~ and has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and

(5) that the easement duration may be lengthened through mutual agreement with the board in consultation with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or facilitate its administration.

Sec. 33. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

Subd. 6. **Payments for conservation easements and establishment of ~~cover~~ conservation practices.** (a) The board ~~must make the following~~ shall establish rates for payments to the landowner for the conservation easement and ~~agreement~~ related practices. The board shall consider market factors, including the township average equalized estimated market value of property as established by the commissioner of revenue at the time of easement application.

~~(1) to establish the perennial cover or other improvements required by the agreement:~~
~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost not to exceed \$125 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$150 per acre for perpetual easements;~~

~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements; and~~

~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600 per acre;~~

~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$250 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

~~(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;~~

~~(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or~~

~~(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the board.~~

~~(b) For hillside pasture conservation easements, the payments to the landowner in paragraph (a) for the conservation easement and agreement must be reduced to reflect the value of similar property.~~

(b) The board may establish alternative practices to those defined in section 84.02 for restoration of native prairie, grasslands, or wetlands based on soil type, seed availability, adjacent land uses, or other site-specific factors.

(c) The board may establish a payment system for flowage easements acquired under this section.

(d) For wetland restoration projects involving more than one conservation easement, state payments for restoration costs may exceed the limits set forth in this section by the board for an individual easement provided the total payment for the restoration project does not exceed the amount payable for the total number of acres involved.

(e) The board may use available nonstate funds to exceed the payment limits in this section.

Sec. 34. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the board must share information and cooperate with the Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the United States Fish and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota~~

24.1 Extension Service, the University of Minnesota, county boards, soil and water conservation
24.2 districts, watershed districts, and interested private organizations and individuals.

24.3 Sec. 35. Minnesota Statutes 2008, section 103F.525, is amended to read:

24.4 **103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE**
24.5 **CONSERVATION PROGRAMS.**

24.6 The board may supplement payments made under federal land retirement programs
24.7 to the extent of available appropriations ~~other than bond proceeds~~. The supplemental
24.8 payments must be used to establish perennial cover on land enrolled or increase payments
24.9 for land enrollment in programs approved by the board, ~~including the federal conservation~~
24.10 ~~reserve program and federal and state water bank program.~~

24.11 Sec. 36. Minnesota Statutes 2008, section 103F.526, is amended to read:

24.12 **103F.526 FOOD PLOTS ~~IN WINDBREAKS~~.**

24.13 The board, ~~in cooperation with the commissioner of natural resources~~, may authorize
24.14 wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under
24.15 section 103F.515.

24.16 Sec. 37. Minnesota Statutes 2008, section 103F.531, is amended to read:

24.17 **103F.531 RULEMAKING.**

24.18 The board may adopt rules or policy to implement sections 103F.505 to 103F.531.
24.19 ~~The rules must include standards for tree planting so that planting does not conflict with~~
24.20 ~~existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

24.21 Sec. 38. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

24.22 Subd. 5. **Release and alteration of conservation easements.** Conservation
24.23 easements ~~existing under this section, as of April 30, 1992~~, may be altered, released,
24.24 or terminated by the board ~~of Water and Soil Resources~~ after consultation with the
24.25 commissioners of agriculture and natural resources. The board may alter, release, or
24.26 terminate a conservation easement only if the board determines that the public interest and
24.27 general welfare are better served by the alteration, release, or termination.

24.28 Sec. 39. Minnesota Statutes 2008, section 103G.201, is amended to read:

24.29 **103G.201 PUBLIC WATERS INVENTORY.**

25.1 (a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each
25.2 county that shows the waters of this state that are designated as public waters under the
25.3 public waters inventory and classification procedures prescribed under Laws 1979, chapter
25.4 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters
25.5 inventory map for each county must be filed with maps and lists are revised according to
25.6 this section, the commissioner shall send a notification or a copy of the maps and lists
25.7 to the auditor of the each affected county.

25.8 (b) The commissioner is authorized to revise the list of public waters established
25.9 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
25.10 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
25.11 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
25.12 public waters wetlands as public waters if:

25.13 (1) they are assigned a shoreland management classification by the commissioner
25.14 under sections 103F.201 to 103F.221;

25.15 (2) they are classified as lacustrine wetlands or deepwater habitats according to
25.16 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,
25.17 et al., 1979 edition); or

25.18 (3) the state or federal government has become titleholder to any of the beds or
25.19 shores of the public waters wetlands, subsequent to the preparation of the public waters
25.20 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the
25.21 responsible state or federal agency declares that the water is necessary for the purposes
25.22 of the public ownership.

25.23 (c) The commissioner must provide notice of the reclassification to the local
25.24 government unit, the county board, the watershed district, if one exists for the area, and
25.25 the soil and water conservation district. Within 60 days of receiving notice from the
25.26 commissioner, a party required to receive the notice may provide a resolution stating
25.27 objections to the reclassification. If the commissioner receives an objection from a party
25.28 required to receive the notice, the reclassification is not effective. If the commissioner does
25.29 not receive an objection from a party required to receive the notice, the reclassification
25.30 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
25.31 of the parties.

25.32 (d) The commissioner shall give priority to the reclassification of public waters
25.33 wetlands that are or have the potential to be affected by public works projects.

25.34 (e) The commissioner may revise the public waters inventory map and list of each
25.35 county:

25.36 (1) to reflect the changes authorized in paragraph (b); and

- 26.1 (2) as needed, to:
- 26.2 (i) correct errors in the original inventory;
- 26.3 (ii) add or subtract trout stream tributaries within sections that contain a designated
- 26.4 trout stream following written notice to the landowner;
- 26.5 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
- 26.6 50 acres and the shoreland has been zoned for residential development; and
- 26.7 (iv) add or subtract public waters that have been created or eliminated as a
- 26.8 requirement of a permit authorized by the commissioner under section 103G.245.

26.9 Sec. 40. **[103G.408] TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

26.10 (a) The commissioner, upon consideration of recommendations and objections as

26.11 provided in clause (4) and paragraph (c), may issue a public waters work permit for the

26.12 temporary drawdown of a public water when:

- 26.13 (1) the permit applicant is a public entity;
- 26.14 (2) the commissioner deems the project to be beneficial and in the public interest;
- 26.15 (3) the permit applicant has obtained written permission from a majority of the
- 26.16 riparian landowners; and

26.17 (4) the permit applicant has conducted a public hearing according to paragraph (d).

26.18 (b) In addition to the requirements in section 103G.301, subdivision 6, the permit

26.19 applicant shall serve a copy of the application on each county and municipality within

26.20 which any portion of the public water is located and on the lake improvement district, if

26.21 one exists.

26.22 (c) A county, municipality, watershed district, watershed management organization,

26.23 or lake improvement district required to be served under paragraph (b) or section

26.24 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit

26.25 or an objection to the issuance of a permit with the commissioner within 30 days after

26.26 receiving a copy of the application.

26.27 (d) The hearing notice for a public hearing under paragraph (a), clause (4), must:

- 26.28 (1) include the date, place, and time for the hearing;
- 26.29 (2) include the waters affected and a description of the proposed project;
- 26.30 (3) be mailed to the director, the county auditor, the clerk or mayor of a municipality,
- 26.31 the lake improvement district if one exists, the watershed district or water management
- 26.32 organization, the soil and water conservation district, and all riparian owners of record
- 26.33 affected by the application; and
- 26.34 (4) be published in a newspaper of general circulation in the affected area.

27.1 (e) This section does not apply to public waters that have been designated for
27.2 wildlife management under section 97A.101.

27.3 Sec. 41. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

27.4 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
27.5 issue critical habitat plates to an applicant who:

27.6 (1) is a registered owner of a passenger automobile, one-ton pickup truck or
27.7 recreational vehicle;

27.8 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

27.9 (3) pays the registration tax required under section 168.013;

27.10 (4) pays the fees required under this chapter;

27.11 (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private
27.12 sector matching account established in section 84.943; and

27.13 (6) complies with this chapter and rules governing registration of motor vehicles
27.14 and licensing of drivers.

27.15 (b) The critical habitat plate application must indicate that the annual contribution
27.16 specified under paragraph (a), clause (5), is a minimum contribution to receive the plate
27.17 and that the applicant may make an additional contribution to the account.

27.18 (c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a),
27.19 clause (1), are may be eligible only for special critical habitat license plates ~~for which the~~
27.20 ~~designs are selected under subdivision 2,~~ on or after January 1, ~~2006~~ 2012.

27.21 (d) Special critical habitat license plates, ~~the designs for which are selected under~~
27.22 ~~subdivision 2, on or after January 1, 2006,~~ may be personalized according to section
27.23 168.12, subdivision 2a on or after January 1, 2012.

27.24 Sec. 42. **CONSUMPTIVE USE OF WATER.**

27.25 Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature
27.26 approves of the consumptive use of water under a permit of more than 2,000,000 gallons
27.27 per day average in a 30-day period in St. Louis County, in connection with snowmaking,
27.28 subject to the commissioner of natural resources making a determination that the water
27.29 remaining in the basin of origin will be adequate to meet the basin's need for water and
27.30 approval by the commissioner of natural resources of all applicable permits.

27.31 Sec. 43. **RULEMAKING.**

(a) The commissioner of natural resources shall adopt or amend rules to establish minimum size limits for muskellunge on inland waters consistent with the provisions of this section. The commissioner must:

(1) establish a 48-inch statewide minimum size restriction for muskellunge and muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties; and

(2) establish a 40-inch minimum size restriction for muskellunge-northern pike hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties:

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>
<u>Eagle</u>	<u>Carver</u>
<u>Elmo</u>	<u>Washington</u>
<u>Gervais</u>	<u>Ramsey</u>
<u>Island</u>	<u>Ramsey</u>
<u>Isles</u>	<u>Hennepin</u>
<u>Johanna</u>	<u>Ramsey</u>
<u>Nokomis</u>	<u>Hennepin</u>
<u>Orchard</u>	<u>Dakota</u>
<u>Phalen</u>	<u>Ramsey</u>
<u>Pierson</u>	<u>Carver</u>
<u>Silver</u>	<u>Ramsey</u>
<u>Wasserman</u>	<u>Carver</u>
<u>Weaver</u>	<u>Hennepin</u>

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 44. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall change the term "conservation reserve program" to "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

29.1 (b) In each section of Minnesota Statutes referred to in column A, the revisor of
 29.2 statutes shall delete the reference in column B and insert the reference in column C.

29.3	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
29.4	<u>84.777</u>	<u>84.805</u>	<u>84.804</u>
29.5	<u>84.777</u>	<u>84.929</u>	<u>84.928</u>
29.6	<u>84.787, subd. 1</u>	<u>84.796</u>	<u>84.795</u>
29.7	<u>84.788, subd. 9</u>	<u>84.796</u>	<u>84.795</u>
29.8	<u>84.791, subd. 4</u>	<u>84.796</u>	<u>84.795</u>
29.9	<u>84.794, subd. 2</u>	<u>84.796</u>	<u>84.795</u>
29.10	<u>84.795, subd. 8</u>	<u>84.796</u>	<u>84.795</u>
29.11	<u>84.797, subd. 1</u>	<u>84.805</u>	<u>84.804</u>
29.12	<u>84.798, subd. 8</u>	<u>84.805</u>	<u>84.804</u>
29.13	<u>84.804, subd. 6</u>	<u>84.805</u>	<u>84.804</u>
29.14	<u>84.92, subd. 1</u>	<u>84.929</u>	<u>84.928</u>
29.15	<u>84.922, subd. 9</u>	<u>84.929</u>	<u>84.928</u>
29.16	<u>84.925, subd. 3</u>	<u>84.929</u>	<u>84.928</u>
29.17	<u>84.9256, subd. 4</u>	<u>84.929</u>	<u>84.928</u>
29.18	<u>84.927, subd. 2</u>	<u>84.929</u>	<u>84.928</u>
29.19	<u>84.928, subd. 1</u>	<u>84.929</u>	<u>84.928</u>
29.20	<u>84.928, subd. 6</u>	<u>84.929</u>	<u>84.928</u>

29.21 **Sec. 45. REPEALER.**

29.22 (a) Minnesota Statutes 2008, sections 84.02; 84.796; 84.805; 84.929; 85.0505,
 29.23 subdivision 2; 103F.511, subdivision 4; and 103F.521, subdivision 2, are repealed.

29.24 (b) Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110;
 29.25 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300;
 29.26 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530;
 29.27 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800;
 29.28 8400.3830; 8400.3870; and 8400.3930, are repealed.

84.02 DEFINITIONS.

Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Best management practice for native prairie restoration.** "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

Ecotype Region	Counties or portions thereof:
Rochester Plateau, Blufflands, and Oak Savanna	Houston, Winona, Fillmore, Wabasha, Goodhue, Mower, Freeborn, Steele, Olmsted, Rice, Waseca, Dakota, Dodge
Anoka Sand Plain, Big Woods, and St. Paul Baldwin Plains and Moraines	Anoka, Hennepin, Ramsey, Washington, Chisago, Scott, Carver, McLeod, Wright, Benton, Isanti, Le Sueur, Sherburne
Inner Coteau and Coteau Moraines	Lincoln, Lyon, Pipestone, Rock, Murray, Nobles, Jackson, Cottonwood
Red River Prairie (South)	Traverse, Wilkin, Clay, Becker
Red River Prairie (North) and Aspen Parklands	Kittson, Roseau, Red Lake, Pennington, Marshall, Clearwater, Mahnommen, Polk, Norman
Minnesota River Prairie (North)	Big Stone, Pope, Stevens, Grant, Swift, Chippewa, Meeker, Kandiyohi, Renville, Lac qui Parle, Yellow Medicine
Minnesota River Prairie (South)	Nicollet, Redwood, Brown, Watonwan, Martin, Faribault, Blue Earth, Sibley
Hardwood Hills	Douglas, Morrison, Otter Tail, Stearns, Todd

Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed where native prairie vegetation originating from the site currently predominates or, if disturbed, is predominantly covered with native prairie vegetation that originated from the site. Unbroken pasture land used for livestock grazing can be considered native prairie if it has predominantly native vegetation originating from the site and conservation practices have maintained biological diversity.

Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local ecotype" means a genetically differentiated population of a species that has at least one trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted to local environmental conditions, notably plant competitors, pathogens, pollinators, soil microorganisms, growing season length, climate, hydrology, and soil.

Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same county as the restoration site or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species originating from the same ecotype region in which the restoration occurs.

84.796 PENALTIES.

(a) A person who violates a provision of section 84.788, 84.789, 84.793, or 84.795 is guilty of a misdemeanor.

APPENDIX

Repealed Minnesota Statutes: s1110-2

(b) A person who violates a provision of a rule adopted under section 84.79 is guilty of a petty misdemeanor.

84.805 PENALTIES.

A person who violates any provision of sections 84.797 to 84.804 is guilty of a misdemeanor.

84.929 PENALTIES.

Any person who violates any provision of sections 84.773, 84.777, and 84.92 to 84.928 or rules of the commissioner is guilty of a misdemeanor.

85.0505 FOOD AND BEVERAGE SERVICE IN STATE PARKS.

Subd. 2. **John A. Latsch State Park.** (a) Liquor may be sold and consumed by the drink at the restaurant in John A. Latsch State Park, subject to other laws relating to the sale of intoxicating liquor, and provided that the restaurant is operated by a private entity as provided in paragraph (b).

(b) The commissioner of natural resources may contract with a private person, firm, or corporation to operate the restaurant in John A. Latsch State Park.

103F.511 DEFINITIONS.

Subd. 4. **Conservation reserve program.** "Conservation reserve program" means the program established under section 103F.515.

103F.521 COOPERATION AND TECHNICAL ASSISTANCE.

Subd. 2. **Technical assistance.** (a) The board and the commissioners of agriculture and natural resources must provide necessary technical assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the board on:

- (1) the form and content of the conservation easement and agreement;
- (2) forestry and agronomic practices; and
- (3) hydrologic and hydraulic design relating to the establishment and maintenance of permanent cover, or other conservation improvements.

(b) The commissioner of transportation must provide technical advice and assistance to the board and the commissioner of natural resources on the planting of windbreaks adjacent to highways.

(c) The board and the commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.